

COUNTY OF NAPA
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

VIEWSHED PROTECTION PROGRAM

APPLICATION PACKET

1. Applicant's Checklist
2. Viewshed Protection Program Application
3. Indemnification Agreement
4. Application Completeness Requirements and Checklist
5. Adjoining Property Owner's List Requirements
6. Excerpts from Viewshed Protection Program Ordinance
7. Viewshed Protection Manual
8. Slope Determination Methodology

NOTE:

PLEASE INCLUDE THREE COPIES OF
ALL REQUIRED APPLICATION MATERIALS SUBMITTED.

VIEWSHED PROTECTION PROGRAM

APPLICANT'S CHECKLIST

1. Completed and Signed Application and Indemnification Form*

*A signed Indemnification Form will only be required if a public hearing is conducted (i.e. if this is an item before the Zoning Administrator or Commission).

2. Vicinity Map
3. Proposed Site Plan
4. Topographic Map/Preliminary Grading Plan
5. Building/Structural Elevations
6. Landscaping and/or Vegetation Retention Plan
7. Exterior Lighting Plan
8. Visual Impact Analysis
9. Title Insurance Company Certified List of Adjoining Property Owners within 300 feet
9. Application Fee of \$_____ (to be determined at time of Pre Application meeting) (Napa County Policy Manual, Part 3 § 80.050). Checks made payable to the County of Napa.

Note:

- 1) Items numbered 2-4 above may be combined and submitted on the same drawing.
- 2) A detailed list of all the required submittal items is provided herein under "Application Completeness Requirements and Checklist".
- 3) Many of the items required for review under the Viewshed Ordinance are the same items that would normally be required for an Erosion Control Plan (ECP) Review. If you are concurrently applying for an ECP Review, provide us with a copy of the appropriate items. Please, do not duplicate your efforts.



A Tradition of Stewardship
A Commitment to Service

FILE # _____

NAPA COUNTY
PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES
1195 THIRD STREET, SUITE 210, NAPA, CALIFORNIA, 94559 • (707) 253-4417

APPLICATION FOR VIEWSHED PROTECTION PROGRAM

FOR OFFICE USE ONLY

ZONING DISTRICT: _____ DATE SUBMITTED: _____
TYPE OF APPLICATION: _____ DATE PUBLISHED: _____
REQUEST: _____

Project Type: Structure ___ Driveway ___ Road ___ Reservoir ___ Mass Grading ___ Other _____

Other Permits Applied/Pending/Required:

ECP ___ Grading Permit ___ Use Permit ___ Variance ___

SDSDS ___ Groundwater Permit: ___

_____ # _____ # _____ # _____ # _____ # _____

Review Agencies: PBES: X County Consultant: ___ Name/Contact: _____

Final Approval: PBES X Date: ___/___/___ Conditions: Yes ___ No ___

TO BE COMPLETED BY APPLICANT
(Please type or print legibly)

Applicant's Name: _____

Telephone #: (____) _____ - _____ Fax #: (____) _____ - _____ E-Mail: _____

Mailing Address: _____
No. Street City State Zip

Status of Applicant's Interest in Property: _____

Property Owner's Name: _____

Telephone #: (____) _____ - _____ Fax #: (____) _____ - _____ E-Mail: _____

Mailing Address: _____
No. Street City State Zip

Site Address/Location: _____
No. Street City State Zip

Assessor's Parcel #: _____ - _____ - _____ Parcel Size: _____ acres Development Area Size: _____ acres

Slope Range of Development Area: ___ % to ___ %

(NOTE: Contour map/survey is required for all development areas with an estimated slope of 15% or greater and for all road/driveway projects, Contour map must include all areas within 100' of the cut and fill edges. Percent slope shall be calculated and presented as whole numbers. (Please see attached Slope Determination Methodology)

I hereby certify that all the information contained in this application, including but not limited to, this application form, the supplemental information sheets, site plan, plot plan, cross sections/elevations, is complete and accurate to the best of my knowledge. I hereby authorize such investigations including access to County Assessor's Records as are deemed necessary by the County Planning Division for evaluation of this application and preparation of reports related thereto, including the right of access to the property involved.

_____/_____/_____
Signature of Applicant Date Signature of Property Owner Date

Print Name Print Name

TO BE COMPLETED BY PLANNING, BUILDING, AND ENVIRONMENTAL SERVICES

Application Fee: \$ _____ Receipt. No. _____ Received by: _____ Date: _____

INDEMNIFICATION AGREEMENT

Pursuant to Chapter 1.30 of the Napa County Code, as part of the application for a discretionary land use project approval for the project identified below, Applicant agrees to defend, indemnify, release and hold harmless Napa County, its agents, officers, attorneys, employees, departments, boards and commissions (hereafter collectively "County") from any claim, action or proceeding (hereafter collectively "proceeding") brought against County, the purpose of which is to attack, set aside, void or annul the discretionary project approval of the County, or an action relating to this project required by any such proceeding to be taken to comply with the California Environmental Quality Act by County, or both. This indemnification shall include, but not be limited to damages awarded against the County, if any, and cost of suit, attorneys' fees, and other liabilities and expenses incurred in connection with such proceeding that relate to this discretionary approval or an action related to this project taken to comply with CEQA whether incurred by the Applicant, the County, and/or the parties initiating or bringing such proceeding. Applicant further agrees to indemnify the County for all of County's costs, attorneys' fees, and damages, which the County incurs in enforcing this indemnification agreement.

Applicant further agrees, as a condition of project approval, to defend, indemnify and hold harmless the County for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing approvals which are conditioned on the approval of such documents.

In the event any such proceeding is brought, County shall promptly notify the Applicant of the proceeding, and County shall cooperate fully in the defense. If County fails to promptly notify the Applicant of the proceeding, or if County fails to cooperate fully in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. The County shall retain the right to participate in the defense of the proceeding if it bears its own attorneys' fees and costs, and defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

Applicant

Property Owner (if other than Applicant)

Date

Project Identification

VIEWSHED PROTECTION PROGRAM

APPLICATION COMPLETENESS REQUIREMENTS AND CHECKLIST

1. Completed and Signed Application and Indemnification Form.
2. Vicinity Map.
 - A. A 7" by 5 ½" portion of a 7.5-minute (1"=2000') United States Geological Survey (USGS) topography map.
 - B. Map shall show improvements in their relationship to abutting properties/structures and major and minor ridgelines.
3. Proposed Site Plan. A proposed site plan shall be prepared to locate only the proposed site improvements and areas to be disturbed (i.e. building site, graded area). Scale of the plan shall be appropriate to the area disturbed either through grading, construction or clearing of vegetation. The area surrounding the building pad/site shall be scaled at 1" = 20' or finer and roads or driveways at 1"=100' or finer. A scaled Site Plan shall include:
 - A. Location of all existing structure(s) to be removed or remain on site; note on plan whether to remain or to be removed.
 - B. Location of all existing vegetation six inches in diameter or greater, measured in diameter at breast height (DBH), including variety, height and canopy width.
 - C. Location of all proposed impervious surfaces (i.e. driveways, motor courts, patios).
 - D. Location of all wastewater disposal systems on site.
 - E. Proposed setbacks from property lines(s) and other structures.
 - F. Location of all spoils/stock pile area for all excavated and/or imported soils.
 - G. Total floor area shown, including all floors, of all structures, regardless of use.
4. Topographic Map/Preliminary Grading Plan. Map shall note the following:
 - A. Existing and proposed contours of the building site before and after all construction is completed, drawn at 2' or 5' intervals at a scale of 1"=20' or better; driveways or access roads must show 5' intervals at a scale of 1"=100' or better.
 - B. Map shall include the following section(s) at minimum:
 - i. Disturbed areas, including proposed/existing roads;
 - ii. Building(s) height(s), measured according to the most recently County adopted California Building Code;
 - iii. Roadways/Driveways, shown at intervals as required in County Slope Determination Methodology, Conservation Regulations Exhibit A (Resolution 91-61), shorter intervals may be required in areas of changing topography;
 - iv. Retaining walls or man-made embankments and berms, illustrating location and height (scale of ¼" = 1').
 - C. Preliminary drainage plans for the site, showing the pattern and direction of flow, as well as any on site natural or man-made drainage/waterways.
 - D. Highest point of the proposed structure(s) measured vertically to top of nearest ridgeline.
5. Building/Structure Elevations.
 - A. Elevations shall scaled and include type of building material, color treatment and sample color-chip, roofing material and color.

- B. Include information on window reflectivity and extent of window coverage.
 - C. "Building Height(s)," as defined in the most recent County adopted edition of the California Building Code, must also be shown on the elevations (See item #3 C. Determining Building Height in the Viewshed Protection Manual for measurement details).
6. Landscaping and/or Vegetation Retention Plan. Newly planted vegetation for the purpose of visual screening, must be of sufficient size to adequately screen the proposed structure(s) in two (2) to five (5) years. A complete plan shall include the following:
- A. Identify and locate all the existing vegetation to remain as visual screening for the proposed structure(s), indicate variety, height and canopy width.
 - B. Identify initial planting sizes and varieties of all materials to be installed.
 - C. Illustrate the size and canopy width of planted materials, as they would appear 10 years after installation.
 - D. Distinguish the natural and/or installed landscaping to be included in the visual impact analysis.
 - E. Installed landscaping must be compatible with existing vegetation and landscape.
 - F. Establish a comprehensive landscape maintenance program, including a protection and pruning program for existing and planted trees.
7. Exterior Lighting Plan. Identifying the location, type of fixture, focus/purpose, as well as the use of any timers or motion sensor devises
8. Visual Impact Analysis. One or more of the following may be required to determine the visual impact of the structure(s) and its associated improvements and their conformance with the Viewshed Protection Program.
- A. Story poles (the temporary placement of a mock wooden skeleton in the general shape of the building, then draping plastic orange snow fencing around the roofline to portray the visual prominence and bulk of the proposed structure).
 - B. Computer simulation.
 - C. Photomontage.
 - D. Picture or visual as viewed from designated public road at point(s) where the structure(s) is/are visible.
 - E. Appropriately scaled model.
 - F. Additional views or materials as required by staff from other vantage points.
9. Title Insurance Company Certified List of Adjoining Property Owners within 300 feet. Identifying all property owners within 300' of the subject parcel, specifying name, address and parcel number; included on two sets of mailing labels with accompanying Assessor's Pages used to compile the above property owner list. Please see "ADJOINING PROPERTY OWNER LIST REQUIREMENTS" for details on preparing the requested list.
10. Application Fee of \$_____ (to be determined at Pre-App meeting) plus an Initial Environmental Review Fee (if applicable) of \$_____ (to be determined at Pre-App meeting) (Napa County Policy Manual, Part 3 § 80.050). Checks made payable to the County of Napa.

ADJOINING PROPERTY OWNER LIST REQUIREMENTS

All applications shall include a list of the current owners of all the properties whose outer perimeters are within **300 feet** of the property boundary of the project site. The list shall include the property owner's names, their addresses and the assessor's parcel numbers of the property owned.

Preparation, verification and submission of this list of property owners is the responsibility of the applicant. Lists of the property owners appearing on County tax rolls in the form required are available from all local title insurance companies. A title insurance company must certify each such list, ensuring that it reflects the most recent County tax roll information.

INSTRUCTIONS TO TITLE COMPANY

Please prepare the property owners' list as follows:

1. Type the property owners' names, parcel numbers and mailing addresses on an 8½" by 11" sheet of Avery #5160 Laser Labels so that this information can be readily used in mailing by Planning, Building, and Environmental Services.
2. Submit a full page copy of the assessors' parcel book page(s) and a copy of the latest equalized assessment roll used to compile the property owners' list. Please indicate the location of all parcels listed, by check mark or colored parcel number circled on the pages.

If you should have any questions, please contact Planning, Building, and Environmental Services at (707) 253-4417.

Chapter 18.106 - VIEWSHED PROTECTION PROGRAM

18.106.010 - Purpose.

The purpose and intent of these regulations is to protect the public health, safety, and community welfare and to otherwise protect the scenic quality of the county both for visitors to the county as well as for its residents by ensuring that future improvements are compatible with existing land forms, particularly county ridgelines and that views of the county's many unique geologic features and the existing landscape fabric of the county's hillside areas are protected and preserved. These regulations are consistent with the goals and policies of the Napa County general plan, particularly as specified in the land use, open space and conservation, circulation and the scenic highways elements. Furthermore, it is intended that these regulations accomplish the following:

- A. Provide hillside development standards to minimize the impact of man-made structures and grading on views of existing landforms, unique geologic features, existing landscape features and open space as seen from designated public roads within the county;
- B. Protect and preserve views of major and minor ridgelines from designated public roads;
- C. Create a development review process that maximizes administrative, staff level approval of projects which meet administrative standards, while also providing a vehicle for review by the zoning administrator or planning commission of those projects that do not meet the administrative standards;
- D. Minimize cut and fill, earthmoving, grading operations and other such man-made effects on the natural terrain to ensure that finished slopes are compatible with existing land character; and
- E. Promote architecture and designs that are compatible with hillside terrain and minimize visual impacts.

18.106.030 - General provisions.

- A. Applicability—New and Expanded Structures. No building permit, erosion control plan for structural development, grading or other administrative permit shall be issued by any county staff, agency or department for any new structure or improvement to an existing structure if the structure is located on a slope of fifteen percent or more as defined in Section [18.106.020](#) or if the structure is located on any minor or major ridgeline as defined in Section [18.106.020](#) except as specifically provided for herein. The ordinance codified in this section shall apply to all new structures located on slopes of fifteen percent or more or located on a minor or major ridgeline. In the event of a conflict among the regulations in this chapter and those elsewhere in this code, the regulations in this chapter shall prevail. The provisions of this chapter shall also apply to projects undertaken by public agencies and special districts except for the maintenance of existing county public roads within existing rights-of-way.
- B. Applicability—Grading or Earthmoving Activities. No permit or administrative or discretionary approval shall be issued to authorize any grading or earthmoving activity, including grading or earthmoving necessary to create or improve an existing or new driveway, road or other access, or benches or shelves, if such earthmoving or grading would occur on slopes of fifteen percent or more until the applicant has complied with the applicable provisions of this chapter. Agricultural roads within planted areas subject to erosion control plans under [Chapter 18.108](#) of the code shall not be subject to this requirement.

- C. Relationship to the Review of Tentative Parcel Maps, Final Maps, and Subdivision Maps. All future building sites identified on either a tentative parcel map, final map, or subdivision map shall be reviewed and conditions of approval established to ensure conformity with the purpose and intent of this chapter.
- D. Relationship to Previously Approved Use Permits and Small Lot Subdivisions. All structures described in a use permit approved prior to the effective date of Ordinance Number 1189 shall not be subject to the requirements of this chapter. Parcels in small lot subdivisions (defined as groups of at least five parcels of less than two acres each for the purposes of this section) established prior to the effective date of Ordinance Number 1268 shall not be subject to the requirements of this chapter.
- E. Relationship to Previously Accepted or Approved Building Permits. All residential structures or accessory structures for which a building permit was approved prior to the effective date of Ordinance Number 1189, or for which a building permit application had been accepted and deemed complete for departmental review by the county prior to December 1, 2001, shall not be subject to the requirements of this chapter. Such structures and the accompanying permits may be modified prior to the final occupancy inspection if the predominant portion of the proposed modifications to the structure is screened from view from a designated public road by natural vegetation, landscaping, architectural design, and colortone that is in accordance with the Design Manual and provisions of this chapter.
- F. Relationship to Use Permit Applications. Applications requiring the issuance of a use permit or use permit modification, as required by the code, will be reviewed for their adherence to the requirements of this chapter during the application process for the issuance of the use permit or use permit modification.
- G. Relationship to Conservation Regulations. The structures or activities referred to in Section [18.108.050](#), except subsections (A) and (B), shall be exempt from the requirements of this chapter and will be cleared for further processing.
- H. Determination of Adverse Effects on Ridgelines. The director shall determine whether the proposed location of a structure could adversely affect a minor or major ridgeline for the purpose of administering this chapter based upon elevation of the proposed structure, the height of its roof line and the location of the structure in relationship to surrounding topography.
- I. Application Form and Fee. Applications for new, expanded or remodeled structures subject to this chapter shall be submitted to the department on a form provided by the department accompanied by a fee determined by a resolution adopted by the board of supervisors.

(Ord. 1278 § 1 (part), 2006: Ord. 1268 § 8, 2005: Ord. 1232 § 2, 2003: Ord. 1189 § 3 (part), 2001)

18.106.040 - Projects subject to administrative review.

- A. General Provisions. Permit applications which meet the criteria in subsection (A) or (E) of Section [18.106.030](#), and/or grading or earthmoving activities meeting the criteria in subsection (B) of Section [18.106.030](#), shall be submitted to the department for review by the director. If the application, either as submitted, or upon the inclusion of specified measures, meets the criteria specified in subsection (B) or (C) of this section, the director shall certify that the project complies with the applicable provisions of this chapter and the project will then be cleared for continuing processing pursuant to [Title 15](#) of the code. The director may require the submittal of additional information including, but not limited to, a photo or computer simulation of the project and associated improvements, prior to determining that the project meets the criteria contained in this chapter.
- B. Visibility Determination. If the director determines that the project cannot be viewed from any designated public road, because of its relationship to surrounding topography or existing vegetation, then the project will be cleared for further processing pursuant to the code. If the determination was made based on existing vegetation coverage, then the property owner, prior to the issuance of a building permit, shall be

required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring the existing covering vegetation to be maintained, or replaced with equivalent vegetation, by the owner or the owner's successors, so as to prevent the project from being viewed from any designated public road.

C. Administrative Criteria. A project shall be certified and cleared for further processing, if the director determines that a project meets all of the following conditions:

1. The highest point of the proposed structure is located more than twenty-five vertical feet below a major or minor ridgeline;
2. The project as designed and sited meets all of the following standards and substantially conforms to the Design Manual:
 - a. The maximum floor area, including all floors, of the main residence or agricultural structure is four thousand square feet or less and the maximum floor area, including all floors, for accessory structures are a combined total of two thousand five hundred square feet or less,
 - b. The height of the structure is twenty-four feet or less as measured from finished grade along fifty percent or more of the longest wall as viewed from any designated public road,
 - c. The improvement(s), including any required earthmoving or grading associated with the structure shall minimize removal of existing vegetation with emphasis on preserving mature trees. If the improvements require the removal of any tree with a diameter of six inches or greater, a detailed landscaping plan shall be prepared showing the location and replacement of trees and vegetation in a manner which screens the improvements from substantial views from designated public roads and provides for defensible space in conformance with state law,
 - d. A significant portion of natural on-site vegetation has been retained to naturally screen the project from views of designated public roads,
 - e. Landscaping will be installed and designed to screen the project from substantial views from designated public roads,
 - f. The project lighting, including site lighting, has been designed to minimize off-site visibility and glare,
 - g. The exterior color treatment of the structure will blend with the color of surrounding vegetation and landforms,
 - h. Exterior windows and trim are nonreflective, and
 - i. Roof angles and composition are designed to conform to existing landforms and landscape;
3. If the structure is an addition to an existing residence or an agricultural structure, the total floor area, including all floors shall not exceed four thousand square feet. If the addition pertains to an accessory structure, the total floor area, including all floors, shall not exceed a combined total of two thousand five hundred square feet;
4. The project as sited and designed shall be in substantial compliance with the Design Manual to reduce its visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John;
5. Involves the grading of less than one and one-half acres of land;

6. Future structures, including roads, driveways, wastewater disposal systems, and necessary earthmoving to construct project improvements shall be located to avoid environmentally sensitive areas as defined by Section 18.08.270 of the code;
 7. A detailed landscape plan prepared by a qualified landscape professional shall be prepared which incorporates the criteria set forth in the Design Manual for review and approval by the director.
- D. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with either subsection (B) or (C) of this section.
- E. Projects that do not satisfy the criteria and standards contained in Section 18.106.040 shall be subject to review and approval under Section 18.106.050

(Ord. 1278 § 1 (part), 2006: Ord. 1232 § 3, 2003: Ord. 1189 § 3 (part), 2001)

18.106.050 - Processing of projects subject to review and approval by the zoning administrator or the commission.

- A. If the director determines that a project does not meet the criteria in Section 18.106.040 the project shall not be cleared for further processing until the findings contained in subsection (B) of this section are made and a permit is issued by the zoning administrator, or upon referral, by the commission.
- B. The zoning administrator or commission shall make all of the following findings prior to approving a project:
1. The project as designed or modified is consistent with Chapter 18.108 of the code;
 2. If the highest point of the proposed project is located more than twenty-five vertical feet below a major or minor ridgeline, that measures have been included in the project to reduce its visual impact on the major or minor ridgeline through use of existing natural vegetation, landscaping, topographical siting, architectural design, and colortone; or if the highest point of the proposed structure is within twenty-five vertical feet of a major or minor ridgeline, that the existing vegetation, proposed landscaping, topographical siting, architectural design, and colortone screen the predominant portion of the proposed structure;
 3. The proposed structure, access roads and other site improvements are sited and designed to minimize adverse effects on views from designated public roads;
 4. The proposed structure, access road and other site improvements, including earthmoving or grading, and benches or shelves minimize the removal of vegetation;
 5. The siting and design of site improvements and access roads minimize grading and alteration of natural landforms and topography;
 6. A landscape and/or vegetation retention plan in conformance with the Design Manual has been submitted and approved for the site that would provide maximum screening from designated public roads through preservation of existing vegetation and the planting of new vegetation and provide for defensible space in conformance with state law;
 7. The proposed structure and associated improvements substantially conform with the Design Manual in order to reduce their visual impact on the views of major and minor ridgelines as viewed from any designated public road and unique topographic or geologic features as viewed from any county road. The following landforms will be considered to be unique topographic or

geologic features for the purposes of this subsection: Mt. St. Helena, Stag's Leap, Calistoga Palisades, Round Hill, Mt. George and Mt. St. John;

- C. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successor so as to maintain conformance with subsection (B) of this section;
- D. If one or more of the findings in subsection (B) of this section cannot be made, the application shall be forwarded to the commission for a possible exception pursuant to Section [18.106.070](#)

(Ord. 1278 § 1 (part), 2006: Ord. 1232 § 4, 2003: Ord. 1189 § 3 (part), 2001)

18.106.060 - Required public and private notification.

- A. Within seven days of the issuance of a tentative decision that the project is subject to administrative approval under Section [18.106.040](#), the director shall give notice of his tentative decision, including the date on which the tentative decision will become final, which date shall be ten calendar days following the date notice of the tentative decision is mailed.
 - 1. The notice shall be provided to the city or town closest to where the project is proposed to be built and to all public or private property owners located within three hundred feet of the outer perimeter of the property on which the project would be constructed as shown on the latest equalized assessment roll.
 - 2. The tentative decision shall be final once the period identified in the notice has expired unless an appeal has been filed by the applicant or any interested person pursuant to [Chapter 2.88](#) of this code, in which case the tentative decision shall become final only if and when the appeal is withdrawn, dismissed or denied. If the appeal is granted, in whole or in part, the decision of the board on appeal shall become final in the manner and within the time set forth in [Chapter 2.88](#)
- B. At least ten days prior to a decision by the zoning administrator or the commission under Section [18.106.050](#) or [18.106.070](#), notice of a public hearing shall be provided to the city or town closest to where the project is proposed to be built and to all property owners located within three hundred feet of the outer perimeter of the property on which the project would be constructed as shown on the latest equalized assessment roll.

(Ord. 1278 § 1 (part), 2006: Ord. 1232 § 5, 2003: Ord. 1201 § 7, 2002; Ord. 1189 § 3 (part), 2001)

18.106.070 - Exceptions.

Upon application by the property owner of a site, an exception to the requirement contained in subsection (B) of Section [18.106.050](#) may be granted by the commission. Such exception may be granted if, after conducting a public hearing and reviewing available building sites on the subject property, the commission makes all of the following findings:

- A. Compliance with the provisions of subsection (B) of Section [18.106.050](#) would result in greater visual impact than would the proposed construction on the proposed building site;
- B. Compliance with the provisions of subsection (B) of Section [18.106.050](#) would result in greater impact on existing landforms and landscape than would the proposed construction on the proposed building site;
- C. Measures have been included in the project to reduce its visual impacts as seen from any designated public roads. Such measures include but are not limited to:

1. Installation of landscaping designed to screen the project from view of designated public roads;
 2. Low level lighting on buildings and site which minimize off-site visibility and glare;
 3. Nonreflective exterior windows and window frames;
 4. Use of earth tone colors on building exteriors;
 5. Roof angles and composition designed to conform with the existing land forms and landscape; and
 6. Building height has been designed to minimize the silhouetting against the sky when viewed from any designated public road or open space owned or managed by a public agency or land trust.
- D. Prior to the issuance of a building permit for any project authorized under this section, the property owner shall be required to execute and record in the county recorder's office a use restriction, in a form approved by county counsel, requiring building exteriors, and existing and proposed covering vegetation, as well as any equivalent level of replacement vegetation, to be maintained by the owner or the owner's successors so as to maintain conformance with subsection (C) of this section.
- E. The project as designed or modified is consistent with the requirements of [Chapter 18.108](#) of the code.

(Ord. 1278 § 1 (part), 2006: Ord. 1232 § 6, 2003: Ord. 1189 § 3 (part), 2001)

VIEWSHED PROTECTION MANUAL **VIEWSHED PROTECTION PROGRAM**

A. Purpose.

The purpose of this manual is to detail the requirements of the Viewshed Protection Ordinance. The manual utilizes text and graphical examples accompanied with brief explanations intended to standardize hillside development and convey the intent of the Ordinance. Where possible, the manual provides examples explains of practices intended to minimize the impact of man-made structures and grading on views of existing landforms and landscape, unique geologic features as seen from designated public roads within Napa County.

B. General Requirements and Conventions.

1. All final grades, including all cut and fill slopes, visible from any designated public road shall be:
 - a. Consistent with the existing landscape to the greatest extent possible, avoiding uninterrupted slope surfaces that stand out against existing topographic contours;
 - b. Contoured to resemble existing terrain by varying slope increments and breaking the visual surface of banks and inclines both vertically and horizontally as naturally as possible;
 - c. Constructed to allow for the creation of berms or mounding at the top of slopes and in other locations for the screening of structures and assurance proper site drainage.

2. Design, height and massing of hillside development shall:
 - a. Maintain a balance of scale and proportion using design components that are harmonious with natural landforms and landscaping;
 - b. Be small scale and low in height, conforming with hillside topography by stepping or staggering the mass of the proposed building up or down slope, avoiding flat pad construction and vertical massing;
 - c. Utilize structural elements, building materials and color tones which blend artificial surfaces with surrounding native elements;
 - d. Utilize construction materials, glass, roofing and other surfaces that are of a non-reflective nature;
 - e. Ensure articulated walls that utilize reveals, cornice detailing, alcoves or other features which are appropriate to the scale of the building and building projections, trellises, landscaping or other devices, which in total, serve to break up long, continuous building walls which are visible from designated public roads; and
 - f. Ensure that the proposed structure is not silhouetted against the sky when viewed from any designated public road.

3. Roadways, driveways and utility alignments shall be:
 - a. Located to minimize grading and earthmoving activity, by following existing contours and positioned upon gradual slopes whenever possible;
 - b. Constructed to blend with the existing landscape, through alignment with the natural curving contour of the land instead of keeping to straight lines or geometric patterns;
 - c. Concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is constant with the natural character of the area.

4. Landscape planting and vegetation preservation shall:
 - a. Incorporate trees where appropriate, planted in random groupings or clusters that mimic or maintain natural assemblages rather than in systematic rows;
 - b. Maintain vegetation lines which convey the existing slope of the hillside;
 - c. Preserve native vegetation, including grasses and open space when ever possible;
 - d. Use native materials to the greatest extent possible and/or non-natives that are compatible with indigenous vegetation and confined to the adjacent vicinity of the proposed structure;

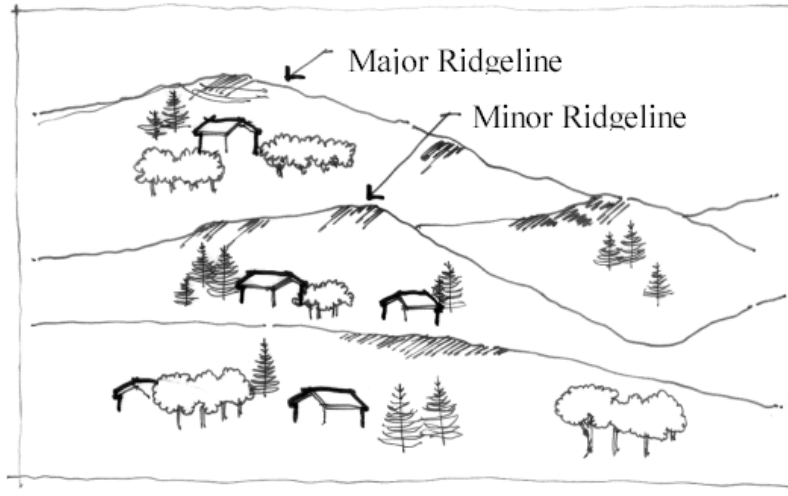
- e. Include a sufficient irrigation, maintenance and monitoring program designed to provide species requirements as well as protect against sedimentation, soil loss and land sliding;

5. Exterior and landscape lighting applications shall be:

- a. Designed to minimize nighttime disruption and visual glare by shielding lamp sources downward and away from view of designated public roads;
- b. Controlled by timers and/or motion sensors, to limit the duration of use and reduce prolonged glare;
- c. Sized with the minimum wattage possible to meet desired application.

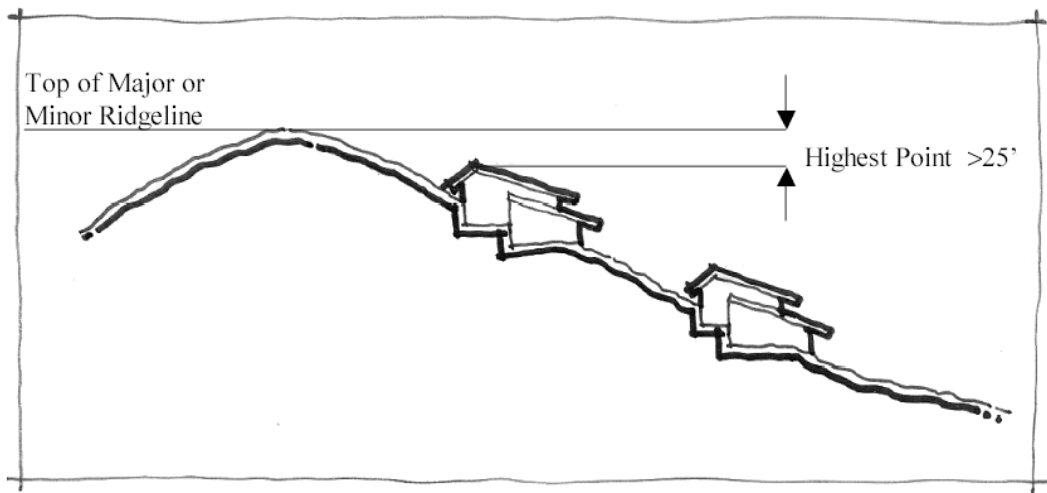
C. Graphical examples.

1. Major and minor ridgelines:



- a. "Major Ridgelines" shall mean a ridgeline, which is prominently visible from a substantial land area within the County, characterized by the lack of a topographical backdrop where the sky is visible beyond the ridge;
- b. "Minor Ridgelines" shall mean a ridgeline that is not prominently visible to a large area of the County and those typically lower in height, when compared to the surrounding terrain and which may be visible only to a limited area, or have a backdrop of a nearby higher topographical feature.

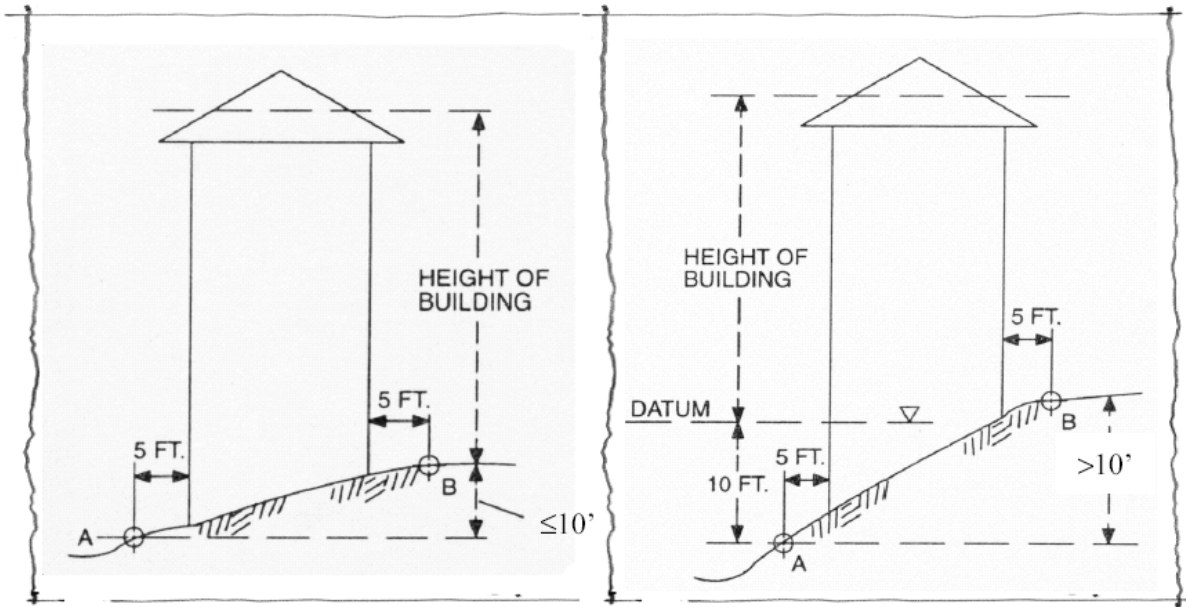
2. Restricted development area for administrative review:



- a. A project shall be certified and cleared for further processing under 18.106.040(B) if the project cannot be seen from a designated public road or under 18.106.040(C) if all the administrative criteria listed in

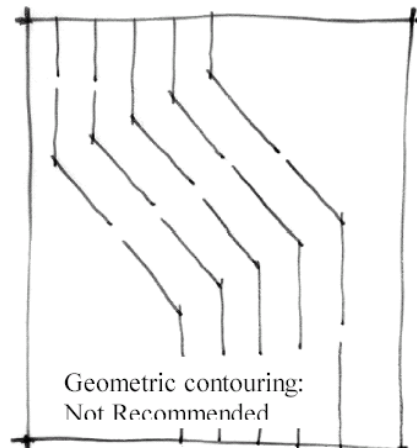
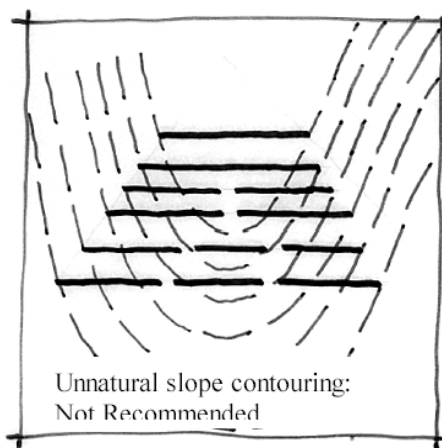
that section are met, including that the highest point of the proposed structure is located more than 25' below a major or minor ridgeline.

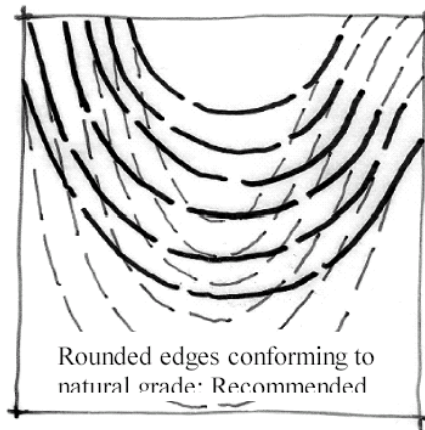
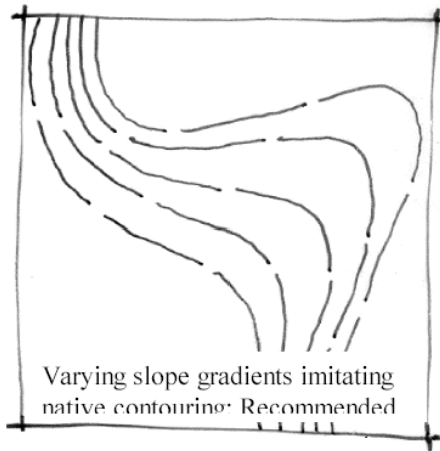
3. Determining height of a building:



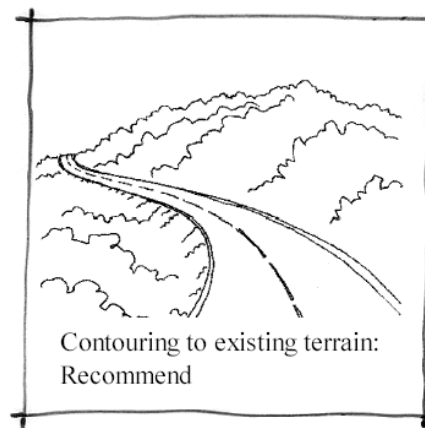
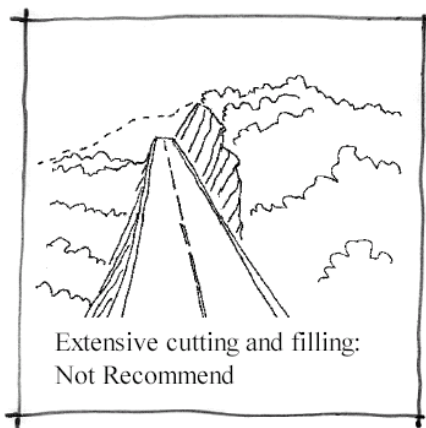
- a. Height of a building is the vertical distance above the highest point of the coping of a flat roof or deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be either of the following, whichever yields the greater height of building:
 - i. The elevation of the highest adjoining sidewalk or ground surface within a 5' horizontal distance of the exterior wall when such sidewalk or ground surface is not more than 10' above lowest grade;
 - ii. An elevation 10' higher than the lowest grade when the sidewalk or ground surface described in item a. above is more than 10' above lowest grade;
- b. The height of a stepped or terraced building is the maximum height of any segment of the building.

4. Grading cut and fill slopes, roadways and driveways:

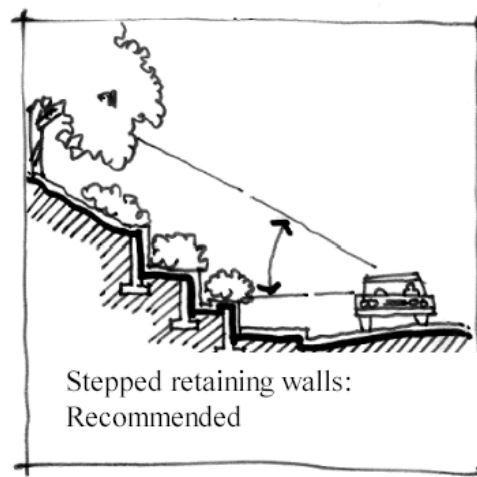
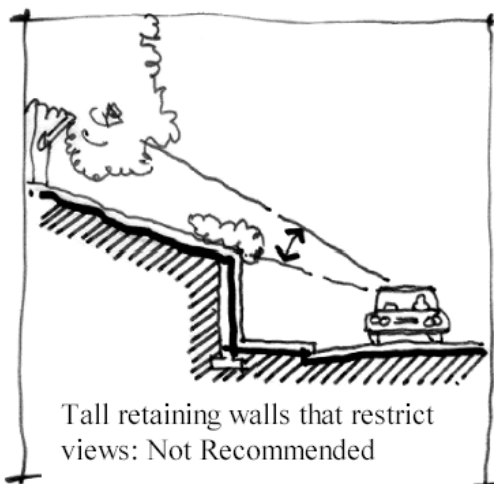


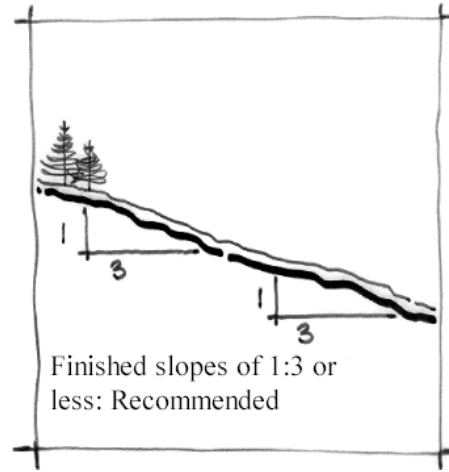


- a. Finished cut and fill slopes shall be constructed to blend with the existing landscape, curving with the natural contour of the land, avoiding straight lines and/or geometric patterns;



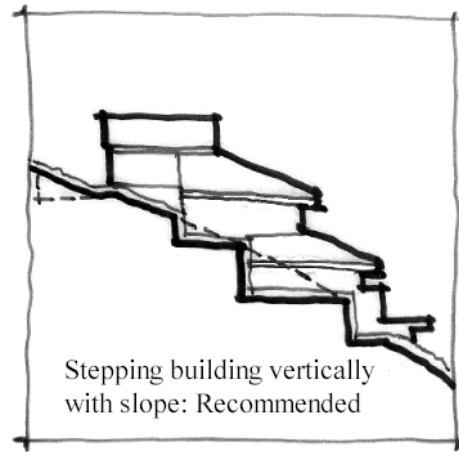
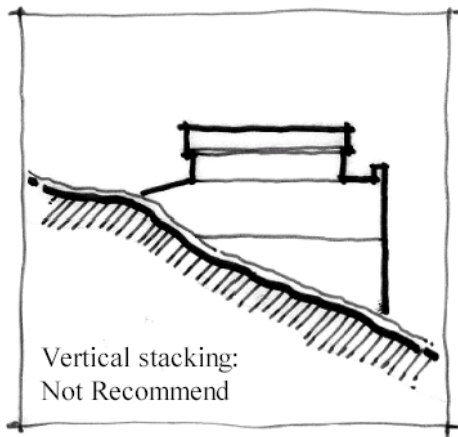
- b. Unwarranted cutting and filling should be avoided when constructing roads, driveways and other related structures, using measures such as laterally balancing cut and fills, alignment with natural contours and restricting development to gentle climbing gradients;

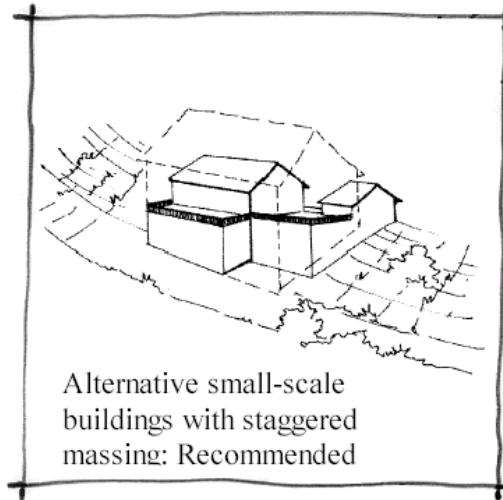
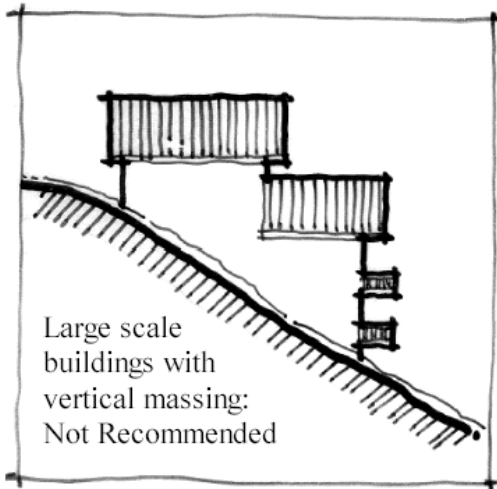




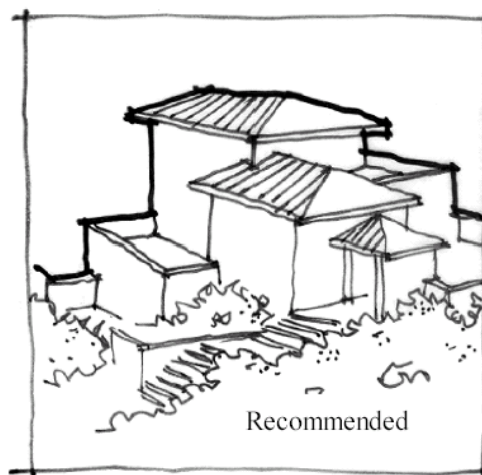
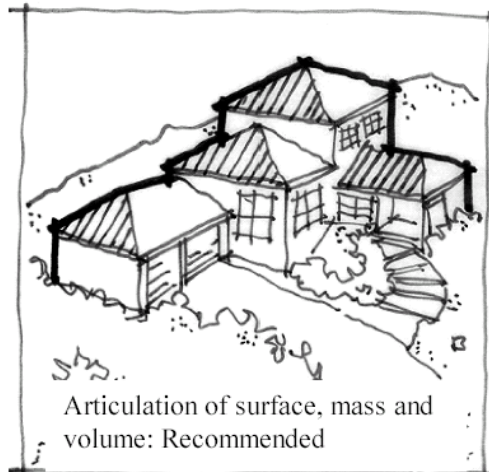
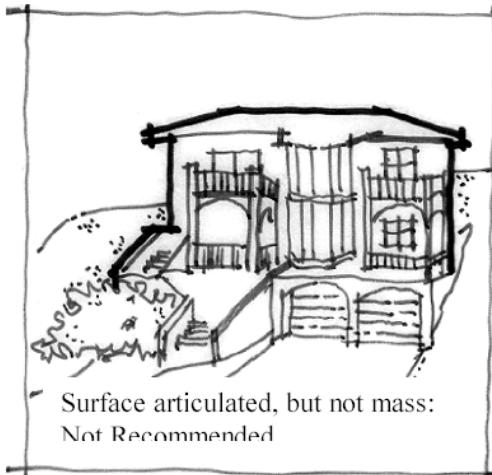
- c. Retaining walls along roadways or associated with structural developments should be stepped and terraced incrementally, avoiding tall flat surfaces that restrict views and slopes steeper than 1:3;

5. Building design, massing and configuration:

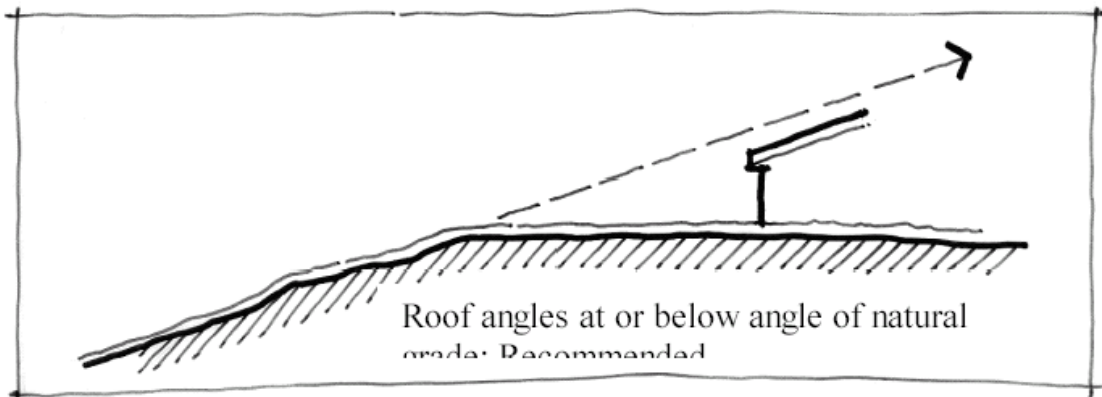
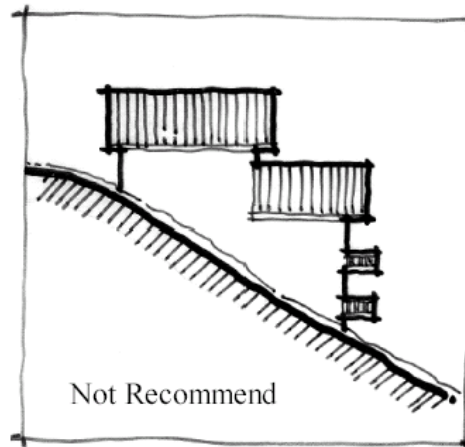
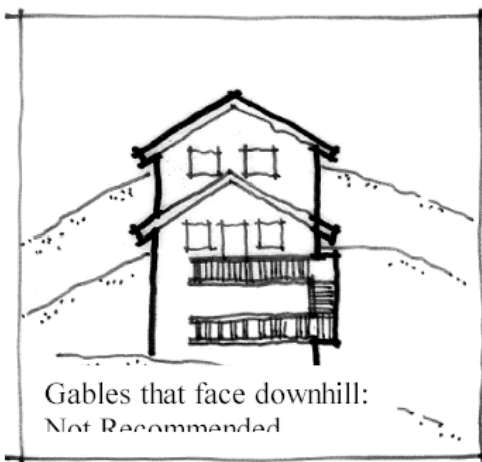
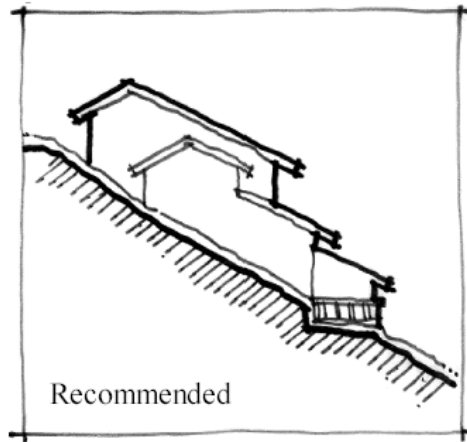
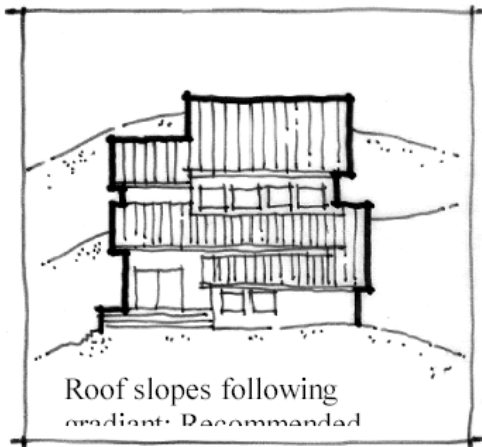




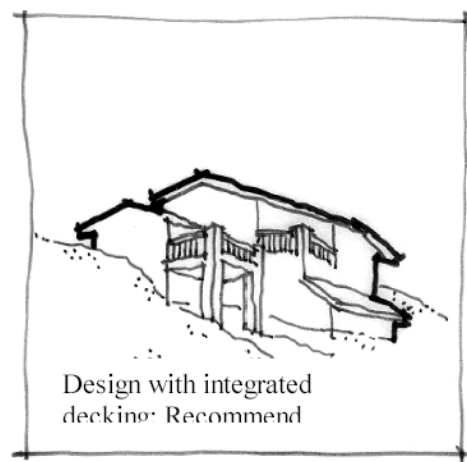
- a. Small scale and low in height construction is recommended, conforming with hillside topography by stepping or staggering the mass of the proposed structure up or down slope, avoiding flat pad construction;
- b. Maintain a balance of scale and proportion using design components which are harmonious with natural landforms and landscaping;



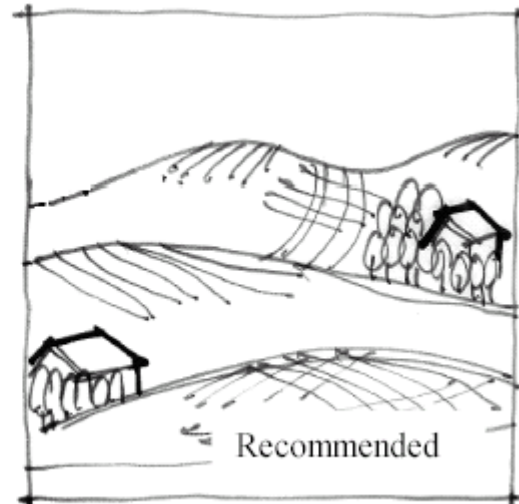
- c. Building shall ensure articulated walls and utilize reveals, cornice detailing, alcoves or other features which breakup the scale of the building. Uses of projections, trellises, landscaping or other devices which in total serve to break up long, continuous building walls is encouraged;



- d. Roof slopes that follow the gradient of the site are recommended over those that diverge from the hill slope;
- e. Construction materials, glazing, roofing and other surfaces that are of a non-reflective nature are encouraged;

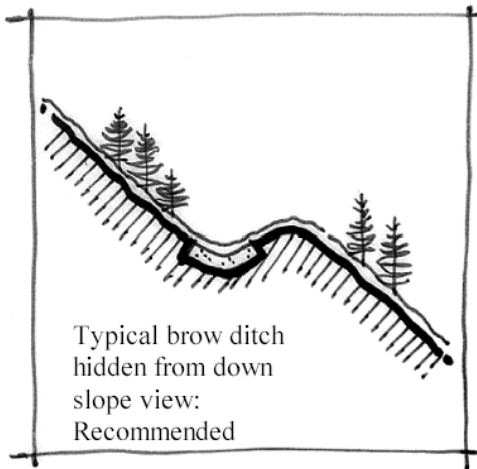
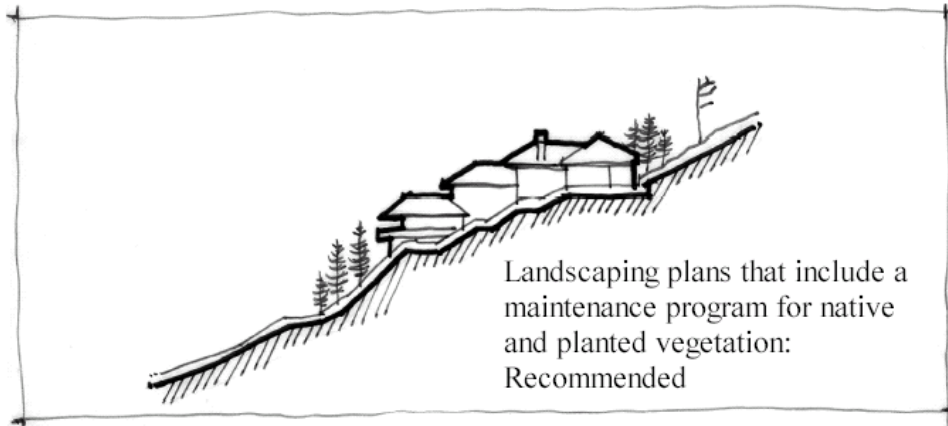
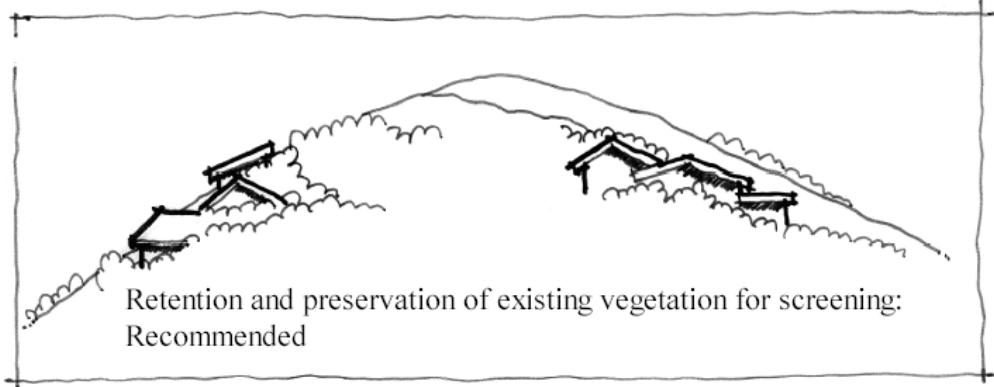


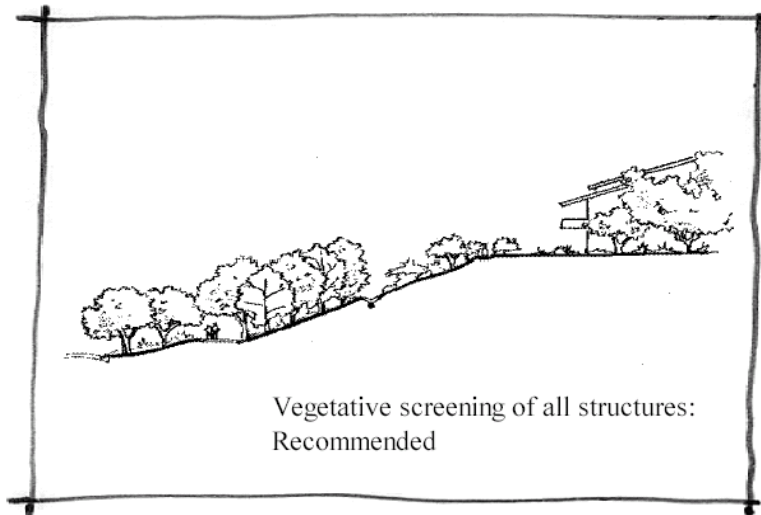
- f. Installation of decking that is integrated into the building is recommended over that which is attached or tacked on to exterior walls;
- g. To the greatest extent possible, structural elements, building materials and color tones shall blend artificial surfaces with surrounding native elements;



- h. Proposed structures shall not be sited atop peaks nor silhouetted against the sky when viewed from any designated public road.

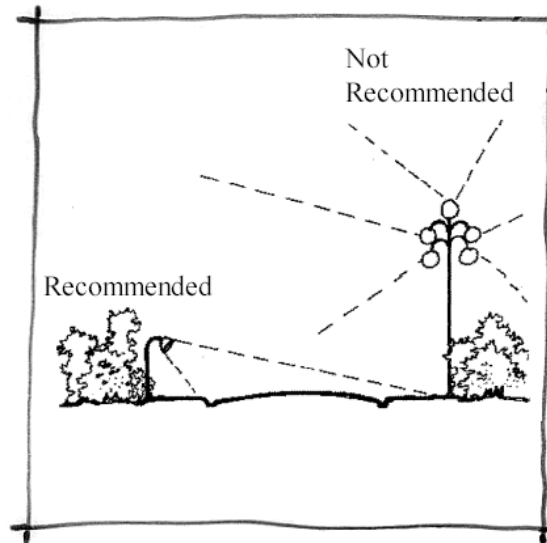
6. Landscape planning and vegetation preservation:





- a. Whenever possible, structures, including roads shall be concealed from view through preservation and maintenance of existing vegetation or through planned landscaping that is consistent with the natural character of the area.

7. Exterior lighting of structures and landscaping:



- a. Outdoor lighting shall be designed to minimize nighttime disruption. Lamp sources should be shielded from view and light source directed downward. Timers and motion detectors should be used wherever possible.

NOTE: The Viewshed Protection Manual has not been updated to reflect the revisions to the Viewshed Protection Program Ordinance. The Ordinance shall prevail if there's a conflict between the Manual and the Ordinance

SLOPE DETERMINATION METHODOLOGY
VIEWSHED PROTECTION PROGRAM

Slope is the ratio of the vertical distance to the horizontal distance, or the elevation change in feet divided by the distance in feet. The percent slope of a development area (ie, the entire contiguous area that will be disturbed by the land clearing, grading, or other earthmoving activities) is the natural slope of the existing terrain, **NOT** the finished or proposed percent slope resulting from the project.

Structures & Related Improvements: The percent slope of each contiguous development area shall be measured perpendicular to the contours across the area being disturbed including the driveway when the driveway is less than 50 feet in length. Its average slope shall be determined by averaging at least 3 typical cross sections. The slope determination will be made using a site plan with a contour interval of 2 to 5 feet and a scale of 1"=20' or better.

When a driveway exceeds 50 feet in length, the slope of the "structural development area" is measured perpendicular to the contours across the area being disturbed excluding the driveway. The driveway slope is measured separately as identified in the Roads and Driveways category below.

If the average slope of each development area is less than 30%, an administrative approval may be granted. If the average slope of any development area is 30% or greater, work in that area cannot be undertaken unless a use permit is approved by the Napa Co. Zoning Administrator or Conservation Development and Planning Commission. If the average slope is greater than 50%, approval of a variance will be required (*For further information regarding a variance please contact a planner*).

Roads & Driveways: The percent slope of a road or driveway longer than 50 feet shall be measured using the following procedure:

- a) Stations will be established on the plan along the centerline of the proposed roadway at 100 foot intervals with 0+00 being assigned to the point where grading commences (at the new roads juncture with the existing road)
- b) Cross sections at a scale of 1" = 10' horizontal and vertical extending **100 feet** from outer limits (edges) of the grading shall be taken at each station (i.e. at 0+00, 1+00, 2+00 etc). When the roadway is less than 200' long, 3 equally spaced cross sections shall be taken. The axis of each cross section shall be perpendicular to the existing contours pertinent to that section. The average slope of each cross section shall be calculated by dividing the difference in elevation of the cut and/or fill catch points by the intervening distance.
- c) The average slope of the roadway shall be determined by averaging all these cross sections excluding those measured at less than 5% slope.

This slope determination will be made by evaluating a site plan with a contour interval of 5 feet or less and a scale of 1"= 100' or better.

If the average slope calculated is less than 30%, an administrative approval may be issued. If the average is 30% or greater **OR** if three (3) or more cross sections exceed 50%, road development cannot be undertaken unless a use permit is approved by the Napa Co Conservation Development and Planning Commission. If the average slope is greater than 50%, approval of a variance will be required (*For further information regarding a variance please contact a planner*).

General Land Clearing: The methodology for determining slope and the criteria applied thereto are the same as those utilized for agricultural projects under the Conservation Regulations (see section below).

Agriculture: The percent slope of each contiguous area cleared (i.e., each area not separated by roads, streams, or non-cleared areas) shall be measured perpendicular to the contours across said area. Its average slope shall be determined by averaging at least 3 typical cross sections

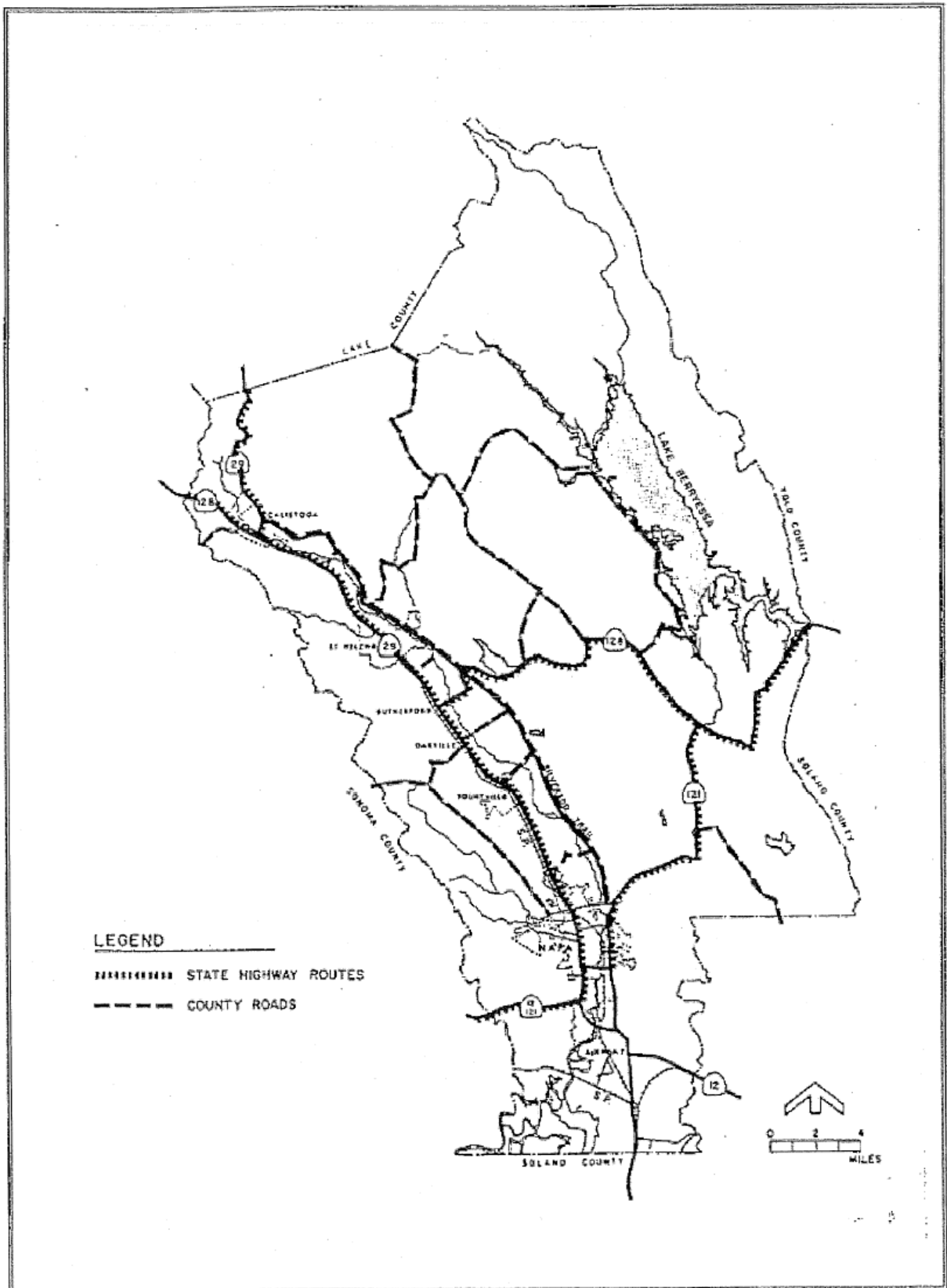
The slope determination will be made by evaluating a site plan with a scale of 1"=200' or greater. When the project involves less than 30 acres contour intervals of 20 feet or less shall be used. When the project involves more than 30 acres, contours intervals of 5 feet or an interval acceptable to the CDPD shall be used.

If the slopes of all portions of each contiguous area are less than 30%, an administrative approval may be issued. However, if any portion within each contiguous area to be cleared is 30% or greater in slope, the following standards then apply:

- a) If the total area of the contiguous clearing is larger than 1 acre, sub-areas completely inside the boundaries of the area being cleared up to 1 acre in size in the 30%-50% slope range may upon the recommendation of the Napa Co Resource Conservation District or County Consultant AND written approval by the Director or his/her designee be cleared. Clearing of areas in the 30%-50% slope range (1) adjacent to the boundaries of the proposed clearing, or (2) exceeding 1 acre in size will require approval of a use permit by the Napa Co Conservation, Development and Planning Commission.
- b) If the total contiguous area to be cleared or graded is less than 1 acre, up to 1/3 of the area to be cleared or graded may exceed 30% in slope but only upon the recommendation of the Napa Co Resource Conservation District or County Consultant AND written approval by the Director or his/her designee.
- c) Any area with a greater than 50% slope cannot be cleared or graded unless a variance is approved (*For further information please contact a planner*)

If the average slope of any area is 30% or greater development of that area cannot be undertaken unless the Napa County Planning, Building, and Environmental Services and Planning Commission approve a use permit. Moreover, any area with an average slope greater than 50% cannot be cleared or graded unless a variance is approved (*For further information regarding a variance please contact a planner*).

FIGURE 75: CANDIDATES FOR SCENIC HIGHWAY DESIGNATION



DESIGNATED PUBLIC ROADS

(Figure 76 – Scenic Highways Element Napa County General Plan)

COUNTY ROADS

Silverado Trail
Dry Creek Road – Oakville Grade
Petrified Forest Road
Deer Park Road and Howell Mountain Road (from St. Helena to Pope Valley Road)
Butts Canyon, Pope Valley and Chiles Valley Roads
Pope Canyon Road
Wooden Valley Road
Berryessa Knoxville Road
Oak Knoll Avenue
Yountville Cross Road
Zinfandel Lane
Lodi Lane
Bale Lane
Jameson Canyon Rd from Hwy 29 to the Solano County Line;
American Canyon Rd from Flosden/Fairgrounds Rd. to Interstate 80;
Highway 29 in its entirety;
Mt. Veeder Road;
Partrick Road;
Lokoya Road;
Wall Road;
Larkmead Lane;))
Dunaweal Lane;
Tubbs Lane;
Redwood Road;
Spring Mountain Road; and
Old Sonoma Road

STATE HIGHWAYS

State Hwy 128 (from Rutherford to Monticello Dam)
State Hwy 29 (from American Canyon to Lake County Line)
State Hwy 121 (from Sonoma County to Napa; from Napa to State Hwy 128)

VIEWSHED UPDATES

ORDINANCE #1232 adopted 12-9-03 amended the Viewshed regulations to include the following;

1. The extension of applicability to include “benches and shelves” which are defined as “flat areas which could be used as a building site which are otherwise surrounded by slopes of fifteen percent or greater”;
2. The definition of “substantially” as “fifty one percent or more of viewable areas as it relates to views or screening of structures and benches and shelves from the designated road(s)”; and
3. A requirement, depending on the project, to execute and record a “use restriction” prior to the issuance of building permit.

Be advised that the above is only a summary of the amendments. For specific information on the viewshed program and regulations in its entirety, consult Chapter 18.106 of the Napa County Code.